

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
PATRICK E. McCANN,)	Case No. 18-12009-KHK
)	Chapter 13
Debtor.)	

**OBJECTION TO CHAPTER 13 PLAN, NOTICE
OF OBJECTION AND NOTICE OF HEARING ON OBJECTION**

Saddler Oaks Cluster Association (“Association”), by counsel, states as follows for its Objection to the Chapter 13 Plan of Debtor Patrick E. McCann (“Debtor”), filed on August 24, 2018 (“Plan”) [Docket No. 23].

1. The Debtor filed his Chapter 13 bankruptcy petition on June 7, 2018 (“Petition”). The Association is a creditor of the Debtor.
2. The Debtor owns the property located at 2226 Gunsmith Square, Reston, Virginia (“Property”). The Property is located within the boundaries of the Association and is subject to Association assessments. The Debtor is indebted to the Association for unpaid assessments and fees (“Assessments”) related to the Property.
3. The Association filed Proof of Claim No.1 in Debtor’s bankruptcy case in the amount of \$2,268.89 (\$2,237.39 secured, \$31.50 unsecured) relating to Assessments owed prior to the filing of the Petition.

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Counsel for Sadler Oaks Cluster Association

4. Debtor intends to retain the Property and lists the Association's Assessments as a regular contract payment in Section 6A of the Plan.

5. Debtor has not paid the \$315.00 quarterly assessment that accrued on July 1, 2018 ("Post-Petition Assessment"). A late fee in the amount of \$31.50 accrued to the account on July 31, 2018. Another assessment accrued on October 1, 2018 in the amount of \$315.00. The unpaid post-petition balance owed is \$661.50.

6. Debtor should be required to pay \$661.50 to the Association to bring his account current and pay future assessments on time and in full.

7. Because Debtor has failed to pay Post-Petition Assessments, Debtor's Plan is not feasible.

WHEREFORE, the Association respectfully requests that this Court deny confirmation of the Chapter 13 Plan.

Notice

Saddler Oaks Cluster Association filed this Objection to Confirmation of the Chapter 13 Plan filed on August 24, 2018.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE).

- If you do not wish the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before seven (7) days prior to the hearing date, you or your attorney must: File with the Court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1 (H). Unless a written response and supporting memorandum are filed and served within seven (7) days of the hearing date noted below, the Court may deem any opposition waived, that the Objection is conceded, and issue an Order granting the relief requested without further notice or hearing.

- **If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date referenced above.** You must mail a copy to the persons listed below.

Michael L. Zupan, Esquire
MERCERTRIGIANI LLP
112 South Alfred Street
Alexandria, Virginia 22314

Thomas P. Gorman, Chapter 13 Trustee
300 N. Washington Street, Suite 400
Alexandria, VA 22314

John P. Fitzgerald, III
Office of the U.S. Trustee - Region 4
115 South Union Street, Room 210
Alexandria, VA 22314

Clerk of Court
United States Bankruptcy Court - Eastern District of Virginia
200 S. Washington St.
Alexandria, VA 22314-5405

- Attend a hearing to be held on October 11, 2018, at 9:30 a.m. in Judge Kindred's Courtroom at The United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia. If no timely response has been filed opposing the relief requested, the Court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order sustaining the Objection.

SADDLER OAKS CLUSTER ASSOCIATION

By Counsel

Date Filed: October 1, 2018

MERCERTRIGIANI LLP

By: /s/ Michael L. Zupan

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Counsel for Sadler Oaks Cluster Association

CERTIFICATE

I certify that a copy of the foregoing Objection, Notice of Objection and Hearing was electronically transmitted via the Court's ECF system and/or mailed by first class mail this 1st day of October 2018, to the following:

Patrick E. McCann
2226 Gunsmith Square
Reston, Virginia 20191

Tommy Andrews, Jr., Esquire
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122 North Alfred Street
Alexandria, Virginia 22314

Thomas P. Gorman, Chapter 13 Trustee
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/s/ Michael L. Zupan

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